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TUROCY & WATSON, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			EXAMINER WON, MICHAEL YOUNG	
			ART UNIT 2455	PAPER NUMBER
			NOTIFICATION DATE 05/19/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/828,941

Applicant(s)

MARCJAN, CEZARY

Examiner

MICHAEL Y. WON

Art Unit

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 9-13, 16, 18-26, 28, 29 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-13, 16, 18-26, 28, 29 and 32-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed February 10, 2009.
2. Claims 1, 11-13, 16, 18-22, 24-26, 28, 29, and 32, have been amended.
3. Claims 1-4, 9-13, 16, 18-26, 28, 29, and 32-36 have been examined and are pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-13, 16, 18-26, 28, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khedouri et al. (US 2008/0155109) in view of Wagner et al. (US 5,761,602).

INDEPENDENT:

As per **claim 10**, Khedouri teaches a system that facilitates file sharing comprising:

a content analysis component that analyzes at least one file for which sharing is desired, the analysis is based on at least one of file type, file content, file size, or file

security level (see page 3, [0019]: "in which the devices are: (1) dedicated to and optimized for searching for");

a channel analysis component that determines the most appropriate channel to employ to share the at least one file (see page 13, [0098]: "The network updates a list of available programmed content channels on the device"); and

a channel controller component that selects at least one communication channel that is determined to be available to transport the at least one file based at least in part upon the channel analysis and activates the selected channel (see page 13, [0098]: "The user selects from available programmed content channels... ").

Khedouri does not explicitly teach assessing at least one of a security level threshold, a file size threshold, availability or compatibility of a plurality of channels.

Wagner teaches assessing at least one of a security level threshold, a file size threshold, availability or compatibility of a plurality of channels (see col.7, lines 57-61: "The selection of channel and line for data is determined by a technique queue management and based upon ... size of the data, and the type of transaction").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Khedouri in view of Wagner by implementing assesses at least one of a security level threshold, a file size threshold, availability or compatibility of a plurality of channels. One would be motivated to do so because such means would help eliminate "connection breakage and other problems" (see Khedouri: page 15, [0130]).

As per **claim 24**, Khedouri teaches a content-sharing and transport method comprising:

creating one or more virtual share spaces on a primary computer to maintain content for sharing with other secondary computers (see page 2, [0013]: "one or more software modules for interfacing with a user to effect the forgoing features using a easy to understand interface");

receiving user-based input in request to access content designated for sharing on the virtual share space (see page 2, [0014]: "the user interface software according to the embodiments of the present invention is design to enable more complex user functions and data organization... share content across large number of potential users");

authenticating the user-based input to confirm at least one of user identity or user access rights to the content (see page 2, [0013]: "a second security means for the management and playing of the stored files"); and

selecting at least one communication channel to facilitate sharing with or transporting the content from the virtual share space to a secondary computer (see page 13, [0098]: "The network updates a list of available programmed content channels on the device. The user selects from available programmed content channels").

Khedouri does not explicitly teach wherein the channel availability is based in part on one or more characteristics of the file, wherein the one or more characteristics of the file include at least one of file type, file size or file security level.

Wagner teaches wherein the channel availability is based in part on one or more characteristics of the file, wherein the one or more characteristics of the file include at least one of file type, file size or file security level (see col.7, lines 57-61: "The selection of channel and line for data is determined by a technique queue management and based upon ... size of the data, and the type of transaction").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Khedouri in view of Wagner so that the channel availability is based in part on one or more characteristics of the file, wherein the one or more characteristics of the file include at least one of file type, file size or file security level. One would be motivated to do so because such means would help eliminate "connection breakage and other problems" (see Khedouri: page 15, [0130]).

As per **claim 34**, Khedouri teaches a data packet adapted to be transmitted between two or more computer processes facilitating easier file sharing, the data packet comprising:

information associated with automatically determining at least one communication channel to employ to transport a file between two or more computers (see page 13, [0098]: "The network updates a list of available programmed content channels on the device. The user selects from available programmed content channels").

Khedouri does not explicitly teach wherein the channel determination is based at least in part upon file size, analysis of the file, security level of the file and channel availability.

Wagner teaches wherein the channel determination is based at least in part upon file size, analysis of the file, security level of the file and channel availability (see col.7, lines 57-61: "The selection of channel and line for data is determined by a technique queue management and based upon ... size of the data, and the type of transaction").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Khedouri in view of Wagner so that the channel determination is based at least in part upon file size, analysis of the file, security level of the file and channel availability. One would be motivated to do so because such means would help eliminate "connection breakage and other problems" (see Khedouri: page 15, [0130]).

DEPENDENT:

As per **claim 11**, which depends on claim 10, Khedouri teaches further comprising an authentication component that authenticates input to facilitate determining that a user has requisite access rights to gain access to the at least one file at least in part by matching user-based input to one or more listings comprising users who are pre-approved for access as indicated by at least one of their username, password, email address, network name, or computer name (see page 2, [0013]).

As per **claim 12**, which depends on claim 11, Khedouri further teaches the authentication component identifies the user by at least one of multiple personas, usernames, nicknames, or aliases (see page 14, [[0106]]).

As per **claim 13**, which depends on claim 10, Khedouri further teaches the at least one file is located in one or more virtual share spaces (see page 2, [0019]).

As per **claim 16**, which depends on claim 10, Khedouri further teaches one or more communication channels are deemed unavailable if they fail to satisfy the file size threshold (implicit: see page 15, [130]).

As per **claim 18**, which depends on claim 10, Khedouri further teaches located on a first computer that originates the file to be shared and on at least a second computer that desires access to such content (see page 3, [0021]).

As per **claim 19**, which depends on claim 18, Khedouri further teaches the first computer is located at a first location and the second computer is located at a second location and both computers correspond to one user (see page 3, [0021]).

As per **claim 20**, which depends on claim 18, Khedouri further teaches the first computer corresponds to a first user and the second computer corresponds to a second user, the first user being different from the second user (see page 3, [0021]).

As per **claim 21**, which depends on claim 10, Khedouri further teaches access to at least a first portion of the at least one file is granted to a first computer, such that only the first computer is permitted to access the portion (see page 2, [0013]).

As per **claim 22**, which depends on claim 10, Khedouri further teaches the channel analysis component communicates with an unknown computer to determine

available communication channels and access rights of the computer at least in part by extracting information from the unknown computer using an open communication channel to detect user information (see page 3, [0019]).

As per **claim 23**, which depends on claim 22, Khedouri further teaches the open communication channel is an email channel (see page 8, [0062]).

As per **claim 25**, which depends on claim 24, Khedouri teaches further comprising: approving access rights to one or more users for access to at least one virtual share space and storing the access rights alongside the respective content (see page 10, [0079]).

As per **claim 26**, which depends on claim 24, Khedouri teaches further comprising assigning a unique key to the one or more virtual share spaces to facilitate permitting anytime access to at least a portion of the content in the virtual share space (see page 10, [0079]).

As per **claim 28**, which depends on claim 24, Khedouri further teaches the communication channel is any one of email, server, internet, direct access to the content, and/or proxy server (see Fig.4; page 8, [0062]; and page 10, [0077]).

As per **claim 32**, which depends on claim 28, Khedouri further teaches availability of the email channel depends in part on email service associated therewith (see page 8, [0062]).

5. Claims 1-4, 29, 33, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khedouri et al. (US 2008/0155109) in view of Wagner et al. (US 5,761,602) and Tanimoto (US 7,167,981).

INDEPENDENT:

As per **claim 1**, Khedouri teaches a system that facilitates file sharing between at least any two computers, comprising:

an authentication component that verifies a user's identity based in part on user-based input to determine whether the user has access rights to the file (see page 2, [0013]: "a second security means for the management and playing of the stored files");

an analysis component that identifies and determines whether any communication channels are available to share the file between the at least two computers (see page 13, [0098]: "The network updates a list of available programmed content channels on the device");

a channel controller component that selects at least one communication channel that is determined to be available to transport the file (see page 13, [0098]: "The user selects from available programmed content channels");

one or more communication channels comprising a module installed on a sender and a recipient's communication system that divides a large file into two or more smaller chunks, whereby each chunk is sent separately to the receiver and the receiver acknowledges receipt of each chunk before a subsequent chunk is sent (see page 15, [130]: "The indexed lists are sent down to the device in small chunks, so that the size of

the "packets" of information that need to be transmitted can be sent in a step-wise manner"); and

the two or more chunks are encrypted in part by the module on the sender's communication system and decrypted in part by module on the recipient's communication system and the two or more chunks are identified with special keys (see page 3, [0020]: "The audio and/or video content may be distributed to the portable player device in encrypted form, capable of being played only when decrypted with a private digital decryption key" and page 13, [103]: "the network provides, in encrypted form, the private key for the receiving device").

Khedouri does not explicitly teach wherein the channel availability is based in part on one or more characteristics of the file, wherein the one or more characteristics of the file include at least one of file type, file size or file security level.

Wagner teaches wherein the channel availability is based in part on one or more characteristics of the file, wherein the one or more characteristics of the file include at least one of file type, file size or file security level (see col.7, lines 57-61: "The selection of channel and line for data is determined by a technique queue management and based upon ... size of the data, and the type of transaction").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Khedouri in view of Wagner so that the channel availability is based in part on one or more characteristics of the file, wherein the one or more characteristics of the file include at least one of file type, file size or file

security level. One would be motivated to do so because such means would help eliminate "connection breakage and other problems" (see Khedouri: page 15, [0130]).

Khedouri does not explicitly teach a special key in subject line or email headers.

Tanimoto teaches a special key in subject line or email headers (see col.3, lines 21-25: "there is provided an email transmission method by which the email including... the encrypted session key").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Khedouri in view of Tanimoto by implementing a special key in subject line or email headers. One would be motivated to do so because such means are well known methods of transmitting special keys for decryption.

As per **claim 33**, teaches a content-sharing system comprising:

means for receiving user-based input in request to access content designated for sharing (see page 2, [0014]: "the user interface software according to the embodiments of the present invention is design to enable more complex user functions and data organization... share content across large number of potential users");

means for determining at least one communication channel to employ to facilitate sharing with or transporting the content from the virtual share space to another computer (see page 13, [0098]: "The user selects from available programmed content channels");

means for communicating between computers that divides a large file into two or more smaller chunks, whereby each chunk is sent separately and acknowledged upon receipt before a subsequent chunk is sent (see page 15, [130]: "The indexed lists are sent down to the device in small chunks, so that the size of the "packets" of information that need to be transmitted can be sent in a step-wise manner");

means for encrypting the two or more chunks (see page 3, [0020]: "The audio and/or video content may be distributed to the portable player device in encrypted form, capable of being played only when decrypted with a private digital decryption key" and page 13, [103]: "the network provides, in encrypted form, the private key for the receiving device"); and

means for decrypting the two or more chunks (see page 3, [0020]: "The audio and/or video content may be distributed to the portable player device in encrypted form, capable of being played only when decrypted with a private digital decryption key" and page 13, [103]: "the network provides, in encrypted form, the private key for the receiving device").

means for identifying the two or more chunks with special keys in subject line or email headers.

based at least in part on availability, analysis of the content, the content security and content size

Khedouri does not explicitly teach wherein the channel availability is based at least in part on availability, analysis of the content, the content security and content size.

Wagner teaches wherein the channel availability is based at least in part on availability, analysis of the content, the content security and content size (see col.7, lines 57-61: "The selection of channel and line for data is determined by a technique queue management and based upon ... size of the data, and the type of transaction").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Khedouri in view of Wagner so that the channel availability is based at least in part on availability, analysis of the content, the content security and content size. One would be motivated to do so because such means would help eliminate "connection breakage and other problems" (see Khedouri: page 15, [0130]).

Khedouri does not explicitly teach means for identifying the two or more chunks with special keys in subject line or email headers.

Tanimoto teaches identification with a special key in subject line or email headers (see col.3, lines 21-25: "there is provided an email transmission method by which the email including... the encrypted session key").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Khedouri in view of Tanimoto by implementing means for identifying the two or more chunks with special keys in subject line or email headers. One would be motivated to do so because such means are well known methods of transmitting special keys.

As per **claim 36**, Khedouri teaches a system that facilitates sharing content between at least any two computers comprising:

an authentication component that verifies a user's identity based in part on user-based input to determine whether the user has access rights to the content (see page 2, [0013]: "a second security means for the management and playing of the stored files");

an analysis component that identifies and determines whether any communication channels are available to share the content between the at least two computers (see page 13, [0098]: "The network updates a list of available programmed content channels on the device");

a channel controller component that selects at least one communication channel that is determined to be available to transport the content (see page 13, [0098]: "The user selects from available programmed content channels");

one or more communication channels comprising a module installed on a sender and a recipient's communication system that divides a large file into two or more smaller chunks, whereby each chunk is sent separately to the receiver and the receiver acknowledges receipt of each chunk before a subsequent chunk is sent (see page 15, [130]: "The indexed lists are sent down to the device in small chunks, so that the size of the "packets" of information that need to be transmitted can be sent in a step-wise manner"),

wherein the two or more chunks are encrypted in part by the module on the sender's communication system and decrypted in part by module on the recipient's communication system and the two or more chunks are identified with special keys (see

page 3, [0020]: "The audio and/or video content may be distributed to the portable player device in encrypted form, capable of being played only when decrypted with a private digital decryption key" and page 13, [103]: "the network provides, in encrypted form, the private key for the receiving device"); and

a virtual share space that stores content to be shared with one or more other computers, wherein the virtual share space is accessed by at least one of at least one communication channel or a unique key (see page 2, [0014]: "the user interface software according to the embodiments of the present invention is design to enable more complex user functions and data organization... share content across large number of potential users").

Khedouri does not explicitly teach wherein the channel availability is based at least in part on one or more characteristics of the content.

Wagner teaches wherein the channel availability is based at least in part on one or more characteristics of the content (see col.7, lines 57-61: "The selection of channel and line for data is determined by a technique queue management and based upon ... size of the data, and the type of transaction").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Khedouri in view of Wagner so that the channel availability is based in part on one or more characteristics of the file, wherein the one or more characteristics of the file include at least one of file type, file size or file security level. One would be motivated to do so because such means would help eliminate "connection breakage and other problems" (see Khedouri: page 15, [0130]).

Khedouri does not explicitly teach a special key in subject line or email headers.

Tanimoto teaches a special key in subject line or email headers (see col.3, lines 21-25: "there is provided an email transmission method by which the email including... the encrypted session key").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Khedouri in view of Tanimoto by implementing a special key in subject line or email headers. One would be motivated to do so because such means are well known methods of transmitting special keys for decryption.

DEPENDENT:

As per **claim 2**, which depends on claim 1, Khedouri teaches further comprising a virtual share space that is located on a primary computer and accessed using at least one communication channel and stores at least one file to be shared with one or more secondary computers (see page 2, [0014]).

As per **claim 3**, which depends on claim 2, Khedouri further teaches the at least one file is accessed using a unique key (see page 10, [0079] and page 13, [103]).

As per **claim 4**, which depends on claim 1, Khedouri further teaches the communication channels comprising email, internet, server, proxy server, and direct access (see Fig.4; page 8, [0062]; and page 10, [0077]).

As per **claim 29**, which depends on claim 28, Khedouri teaches further comprising:

installing a module on a sender and recipient's communication system (see page 10-11, [0079]);

dividing a large file into two or more smaller chunks, wherein the two or more chunks are identified with special keys (see page 15, [130]);

sending each chunk separately to the receiver; acknowledging receipt of each chunk before sending a subsequent chunk (see page 15, [130]);

assembling the two or more chunks to create a copy of the content (implicit: see page 13, [0100]); and

encrypting the two or more chunks before sending and decrypting before or during the assembling of the chunks (see page 3, [0020]).

Khedouri does not explicitly teach a special key in subject line or email headers.

Tanimoto teaches a special key in subject line or email headers (see col.3, lines 21-25: "there is provided an email transmission method by which the email including... the encrypted session key").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Khedouri in view of Tanimoto by implementing a special key in subject line or email headers. One would be motivated to do so because such means are well known methods of transmitting special keys for decryption.

As per **claim 35**, Khedouri further teaches computer readable medium having stored thereon the system of claim 1 (see page 2, [0013])

Response to Arguments

6. Applicant's arguments with respect to claims 1-4, 9-13, 16, 18-26, 28, 29, and 32-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. For the reasons above, claims 1-4, 9-13, 16, 18-26, 28, 29, and 32-36 have been rejected and are pending with this action.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL Y. WON whose telephone number is (571)272-3993. The examiner can normally be reached on M-Th: 10AM-8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

May 13, 2009